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Remarks

Claims 1, 2, 4 to 12, 14 and 15 are cancelled and claims 16 to 28 are added. Claims 16 to 28 are pending in this application of which only claims 16 and 28 are in independent form.

Added claim 16 incorporates the subject matter of original claims 1 and 10.

Claim 10 had been rejected under 35 USC 103(a) as being unpatentable over Shuman et al in view of Artis et al and Bellinger et al and further in view of Schmitz et al. The following will show that added claim 16 patentably distinguishes the applicant's invention over this combination of references.

In rejecting claim 10, Shuman et al was applied and specific reference was made to column 30, lines 33 to 39, and column 30, lines 48 to 58, as noted on page 8 of the action. However, nowhere in these passages is there any hint which would enable our person of ordinary skill to arrive at the feature and limitation of the applicant's invention as set forth in claim 16 which provides:

"limiting the speed of said vehicle to said maximum permissible speed only when the following conditions are satisfied:

(a) said determined environmental conditions have been present uninterruptedly for a pregiven time duration; and, ..."

Instead, in the passages referred to above, Shuman et al is concerned only generally with the fact that street data from a map data base as well as weather and visibility conditions from a

monitoring of external conditions are received and that, in dependence thereon, an answer is formulated as to how a curve in the road, which is ahead and which is to be driven through, can be safely traversed where a speed change of the adapted road speed controller can be in order.

The above-quoted feature of claim 16 is nowhere suggested in Shuman et al or in the other references applied against original claim 10 which is now incorporated into claim 16. More specifically, the speed limiting only becomes active when the environmental conditions set forth in claim 16 are present for a predetermined time duration and this affords the advantage that short-term effects of the environmental conditions with great probability have no effect on the driving safety so that this would not lead immediately to a limiting of the speed of the vehicle to the maximum permissible speed and thereby lead to unnecessary driving discomfort. With this predetermined time duration cited in applicant's claim 16, a hysteresis function is realized which prevents the situation that a short-term deterioration of environmental conditions (which would lead to the formation of the maximum permissible speed) would have the consequence of limiting speed so that a continuous activation and deactivation of the limiting of the speed to the permissible speed is prevented in a boundary region of the environmental conditions.

In view of the above, applicant submits that claim 16 should now patentably distinguish their invention over the applied references and be allowable. Claims 17 to 27 are all dependent from claim 16 so that these claims too should be allowable.

Claim 28 parallels claim 16 in an apparatus context so that this claim too should now be allowable.

The applicant believes that it would be helpful to mention German patent publication 100 47 817 (Schick et al) which had been cited by the French Patent Office in the parallel French application. This publication is of record herein. Applicant mentions this reference because it had been applied to the subject matter of original claim 10 which is now incorporated into claim 16. At column 3, lines 7 to 10, and in claim 19, Schick et al discloses that the obtained measurement values for a specific parameter are averaged over a specific stretch of roadway or time duration in order to suppress peaks which are not representative of the overall situation. This measure is different from that of applicant's original claim 10. A mean value formation is not required in applicant's claim 10. Further, in Schick et al, a limiting intervention into the road speed can occur notwithstanding the mean value formation even when the corresponding environmental conditions are not interruptedly present over the pregiven time duration. For the mean value formation, the amplitude of the peaks, which are not representative of the overall situation, are also of significance; whereas, in applicant's claim 16, even an extremely high amplitude of an environmental condition would not be considered when this amplitude is not maintained for the pregiven time duration.

The measures set forth in applicant's claim 16 are therefore suitable to leave unconsidered short-term disturbances of the environmental conditions independent of their amplitude with

these short-term disturbances not affecting driving safety. This is not possible with the arrangement disclosed in Schick et al.

In view of the foregoing, applicant submits that his claims 16 to 28 submitted herein also patentably distinguish his invention over Schick et al applied in the parallel French patent application.

Reconsideration of this application is earnestly solicited.

Respectfully submitted,



Walter Ottesen
Reg. No. 25,544

Walter Ottesen
Patent Attorney
P.O. Box 4026
Gaithersburg, Maryland 20885-4026

Phone: (301) 869-8950

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